

TITLE 3. AGRICULTURE**CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

Chapter 9 heading amended by final rulemaking at 5 A.A.R. 4439, effective November 3, 1999 (Supp. 99-4).

Former Title 3, Chapter 9, Articles 1 through 7, Sections 3-9-101 through R3-9-703, renumbered to Title 3, Chapter 2, Articles 1 through 7, Sections 3-2-101 through R3-2-703 (Supp. 91-4).

ARTICLE 1. RESERVED**ARTICLE 2. ARIZONA GRAIN RESEARCH AND
PROMOTION COUNCIL**

(Authority: A.R.S. § 3-581 et seq.)

Article 2, consisting of Section R3-9-201, renumbered from Title 3, Chapter 13, Article 2, Section R3-13-201 (Supp. 91-4).

Section

R3-9-201.	Definitions
R3-9-202.	Fees; Grain Assessment and Refund
R3-9-203.	Hearings
R3-9-204.	Records

**ARTICLE 3. ARIZONA COTTON RESEARCH AND
PROTECTION COUNCIL**

(Authority: A.R.S. § 3-1083)

Article 3, consisting of Section R3-9-301, renumbered from Title 3, Chapter 12, Article 2, Section R3-12-201 (Supp. 91-4).

Section

R3-9-301.	Ginning and Remittance Forms
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ARTICLE 4. ARIZONA WINE COMMISSION

Article 4, consisting of Sections R3-9-401 through R3-9-405, made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

Section

R3-9-401.	Definitions
R3-9-402.	Elections
R3-9-403.	Hearings
R3-9-404.	Producer List
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ARTICLE 5. ARIZONA CITRUS RESEARCH COUNCIL

Article 5, consisting of Sections R3-9-501 through R3-9-505, made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

Section

R3-9-501.	Definitions
R3-9-502.	Elections
R3-9-503.	Hearings
R3-9-504.	Annual Report
R3-9-505.	Records

ARTICLE 1. RESERVED**ARTICLE 2. ARIZONA GRAIN RESEARCH AND
PROMOTION COUNCIL****R3-9-201. Definitions**

In addition to the definitions in A.R.S. § 3-581, the following term applies to this Article:

“Department” means the Arizona Department of Agriculture.

Historical Note

Adopted effective August 28, 1986 (Supp. 86-4). Section R3-9-201 renumbered from R3-13-201 (Supp. 91-4).

Amended effective December 22, 1993 (Supp. 93-4).

Former Section R3-9-201 renumbered to R3-9-202; new Section R3-9-201 made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4).

R3-9-202. Fees; Grain Assessment and Refund

- A.** The Arizona Grain Research and Promotion Council shall assess a fee of two cents per hundredweight of grain sold in Arizona as prescribed under A.R.S. § 3-587.
- B.** The person who pays the fee required under subsection (A) shall ensure that:
 1. The grain assessment fee is remitted to the Council; and
 2. The following information is provided to the Council on a form obtained from the Department:
 - a. First buyer’s name, address, and telephone number;
 - b. Report date and months covered by the report;
 - c. Total amount remitted to the Council for the reporting period;
 - d. Producer’s name, address, and telephone number;
 - e. Type of grain and tonnage by grain type; and
 - f. First buyer’s or designee’s signature.
- C. Refund.**
 1. A producer may request a refund as prescribed under A.R.S. § 3-592 and shall provide the following information to the Council on a form obtained from the Department:
 - a. Producer’s name, address, telephone number, and signature;
 - b. Name of the first buyer;
 - c. Amount of grain sold subject to the refund request; and
 - d. First buyer’s or designee’s notarized signature confirming the purchase, funds withheld, and date remitted to the Council.
 2. An executive committee member shall authorize a refund as prescribed in A.R.S. § 3-592 if the person requesting the refund complies with the requirements of subsection (B)(1).

Historical Note

Section R3-9-202 renumbered from R3-9-201 and amended by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4).

R3-9-203. Hearings

- A.** The Council shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the Council required under A.R.S. § 3-591.
- B.** A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C.** The Council shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party’s rights:
 1. The decision is not justified by the evidence or is contrary to law;
 2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;

3. One or more of the following deprived the party of a fair hearing:
 - a. Irregularity or abuse of discretion in the conduct of the proceeding;
 - b. Misconduct of the Council, the administrative law judge, or the prevailing party; or
 - c. Accident or surprise which could not have been prevented by ordinary prudence; or
 4. Excessive or insufficient sanction.
- D.** The Council may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4).

R3-9-204. Records

The Department shall retain the Council's records as prescribed in A.R.S. § 3-586. A record may be reviewed at the Department's main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. A copy of a record will be provided according to the provisions of A.R.S. § 39-121 et seq.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 31, effective December 11, 2002 (Supp. 02-4).

ARTICLE 3. ARIZONA COTTON RESEARCH AND PROTECTION COUNCIL**R3-9-301. Ginning and Remittance Forms**

- A.** Each September the Arizona Cotton Research and Protection Council shall send the ginning and remittance report forms and a fee schedule to the operator of each gin for which a report was made during the previous year. A gin operator who has not submitted a report in the previous year may obtain the report forms and a fee schedule from the Arizona Cotton Research and Protection Council office.
- B.** Each gin operator who gins for Arizona producers during the current crop year shall complete the following reports and submit them with the appropriate fees, to the Arizona Cotton Research and Protection Council within the times specified below:
 1. On or before February 15 of each year:
 - a. The name and number of the reporting gin;
 - b. The business mailing address, telephone number, and county of the reporting gin;
 - c. The name of the authorized agent for the gin;
 - d. The crop year;
 - e. The name and mailing address of each crop producer;
 - f. The Farm Service Agency (FSA) farm number;
 - g. An estimate of the number of bales to be ginned by March 15 from cotton grown at or below 2,700 feet elevation; and
 - h. An estimate of the number of bales to be ginned by March 15 from cotton grown above 2,700 feet elevation;
 2. On or before March 15 of each year:
 - a. The information in subsections (B)(1)(a) through (f),
 - b. The total number of bales actually ginned and the certification number issued by the Department for meeting the tillage deadline for cotton grown at or below 2,700 feet elevation, and

- c. The total number of bales actually ginned from cotton grown above 2,700 feet elevation.

Historical Note

Adopted as an emergency effective September 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Adopted as a permanent rule effective March 7, 1985 (Supp. 85-2). Amended subsection (A) as an emergency effective November 5, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Amended subsection (A) as permanent action effective February 5, 1986 (Supp. 86-1). Amended subsection (A) effective September 24, 1986 (Supp. 86-5). Former Section R3-12-201 repealed and a new Section R3-12-201 adopted effective December 2, 1987 (Supp. 87-4). Section 3-9-301 renumbered from R3-12-201 (Supp. 91-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 4439, effective November 3, 1999 (Supp. 99-4).

ARTICLE 4. ARIZONA WINE COMMISSION

Article 4, consisting of Sections R3-9-401 through R3-9-405, made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

R3-9-401. Definitions

In addition to the definitions in A.R.S. § 3-551, the following term applies to this Article:

"Department" means the Arizona Department of Agriculture.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

R3-9-402. Elections

- A.** The Commission shall elect officers during the first quarter of each calendar year.
- B.** Officers shall continue in office until the next annual election is held.
- C.** An officer may be successively reelected.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

R3-9-403. Hearings

- A.** The Commission shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the Commission.
- B.** A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C.** The Commission shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party's rights:
 1. The decision is not justified by the evidence or is contrary to law;
 2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;
 3. One or more of the following deprived the party of a fair hearing:
 - a. Irregularity or abuse of discretion in the conduct of the proceeding;
 - b. Misconduct of the Commission, the administrative law judge, or the prevailing party; or
 - c. Accident or surprise that could not have been prevented by ordinary prudence; or
 4. Excessive or insufficient sanction.

- D. The Commission may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

R3-9-404. Producer List

The Commission shall create an Arizona Wine Producers List as prescribed under A.R.S. § 3-553(7). The Commission shall update the list annually, by June 30.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

R3-9-405. Records

The Department shall retain the Commission's records as authorized by A.R.S. § 3-554. A record may be reviewed at the Department's main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. A copy of a record shall be provided according to the provisions of A.R.S. § 39-121 et seq.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 519, effective February 5, 2003 (Supp. 03-1).

ARTICLE 5. ARIZONA CITRUS RESEARCH COUNCIL

Article 5, consisting of Sections R3-9-501 through R3-9-505, made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

R3-9-501. Definitions

"Department" means the Arizona department of agriculture. A.R.S. § 3-468(3).

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

R3-9-502. Elections

- A. The Council shall elect officers during the first quarter of each calendar year.
- B. Officers shall continue in office until the next annual election is held.
- C. An officer may be successively reelected.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

R3-9-503. Hearings

- A. The Council shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the Council.
- B. A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C. The Council shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party's rights:
1. The decision is not justified by the evidence or is contrary to law;
 2. There is newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original proceeding;
 3. One or more of the following deprived the party of a fair hearing:
 - a. Irregularity or abuse of discretion in the conduct of the proceeding;
 - b. Misconduct of the Council, the administrative law judge, or the prevailing party; or
 - c. Accident or surprise that could not have been prevented by ordinary prudence; or
 4. Excessive or insufficient sanction.
- D. The Council may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

R3-9-504. Annual Report

The Council shall prepare an annual report as prescribed under A.R.S. § 3-468.02(A)(5), by October 31.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).

R3-9-505. Records

The Department shall retain the Council's records as authorized by A.R.S. § 3-468.02(A)(4). A record may be reviewed at the Department's main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. A copy of a record shall be provided according to the provisions of A.R.S. § 39-121 et seq.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 5548, effective December 2, 2004 (Supp. 03-4).